(4)

AMENDED PETITION

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. No.4341/ 2005

PETITIONERS :

1) M/s R. K. Traders,
Sadar Bazar, Gavali Para,
Durg, Distt. Durg (CG)
Through its Proprietor
Rajendra Kumar Jain,
Sadar Bazar Gavali Para, Durg.

2) Rajesh Kumar Jain,
S/o Tarachand Jain,
Aged about 34 years,
Both resident of Sadar Bazar,
Gavali Para, Durg, Distt. Durg (CG).

Versus

RESPONDENT :

1) Ambuja Cement Eastern Limited,
Ravan, Tahsil Baloda Bazar,
Previously known as Modi Cement Ltd.
A Company registered under the Companies Act; having its Registered Office at Ravan, Tahsil Baloda Bazar, District-Raipur(CG).

2) The Collector,
Raipur, Distt. Raipur (CG).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(61)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 434/ **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	24.01.2007 **Shri P.Diwakar, Sr. Counsel with Shri P.R. Patankar counsel for the petitioner.** **Heard.** **The instant petition is directed against the order dated 06.05.2005 of Annexure P-8 passed by Second Additional District Judge, Raipur whereby the application preferred by the plaintiff under Order 18 Rule 1 of the CPC was allowed and it was held that primary onus of proving the controversy involved in the dispute rests upon the defendant and therefore he has to begin evidence.** **The above finding is based on the pleadings of the defendants in his counter claim where he has admitted the transactions referred to in the plaint and has further set up a counter claim for a sum of Rs. 3,64,025/- ~~for~~ after adjusting the amount claimed in the plaint.** **I have heard counsel for the petitioner.** **In view of the above mentioned admitted facts this Court is of the opinion that there is no jurisdictional error committed by the Court below which calls for interference under Article 227 of the Constitution of India. In the result the petition is dismissed at the admission stage itself.** **In view of the above, I.A. No. 8127/2005 and I.A. No. 3530/2005 stand disposed of.** **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.